



MS MISSING PARTS  
PATENT  
2121-0179P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Michael TOVEY Conf.:  
Appl. No.: 10/727,569 Group: UNASSIGNED  
Filed: December 5, 2003 Examiner: UNASSIGNED  
For: TRANSCRIPTIONAL REGULATOR OF GENES  
INVOLVED IN THE CONTROL OF CELL GROWTH  
OR CELL PROLIFERATION. USE OF SAID  
REGULATOR AS A THERAPEUTIC OR  
DIAGNOSTIC AGENT.

**THIS IS NOT A NEW PATENT APPLICATION**

LETTER SUBMITTING DOCUMENTS  
FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

**MS MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 8, 2004

Sir:

The application papers for the above-identified application were originally filed on December 5, 2003 and the application was assigned Appl. No. 10/727,569.

**DOCUMENTATION**

Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) ( original  photocopy), necessary for completing the

filings requirements in connection with the above-identified application.

- Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on December 5, 2003, including any amendments thereto (if applicable) filed on even date therewith.
- The undersigned hereby declares that "Attorney Docket No. 2121-0179P on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 10/727,569, filed December 5, 2003, entitled "TRANSCRIPTIONAL REGULATOR OF GENES INVOLVED IN THE CONTROL OF CELL GROWTH OR CELL PROLIFERATION. USE OF SAID REGULATOR AS A THERAPEUTIC OR DIAGNOSTIC AGENT.."
- Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
  - See the attached Translator's Verification; or
  - The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- Attached are \_\_\_\_\_ (\_\_\_\_) sheet(s) of formal drawings. Please substitute these corrected drawings for the corresponding \_\_\_\_\_ (\_\_\_\_) sheets of drawings on file in the above-identified application.
- Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).

- Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Submitted concurrently herewith **under separate cover** for recording is an Assignment.

#### **FEES**

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- Basic Filing Fee(s): \$0.00 (37 C.F.R. § 1.16(a)-(d))
- The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
  - Large Entity - \$130.00
  - Small Entity - \$ 65.00
- The Government Filing Surcharge under 37 C.F.R. § 1.17(i) for filing of translation of non-English Specification in the amount of \$130.00:
  - was previously paid for concurrently with the filing of the application on .
  - is attached hereto.
- No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the

filling of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

Applicant hereby respectfully petitions for a ( ) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

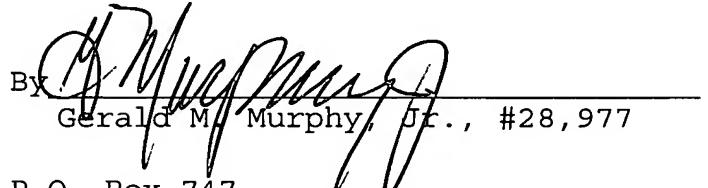
Check(s) in the amount of \$130.00 to cover the basic filing fee(s), surcharge fee(s), and any extension of time fee(s) (if applicable) is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/jmb  
2121-0179P

Attachment(s)

(Rev. 02/12/2004)

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Attorney Docket No. 2121-0179P

## BIRCH, STEWART, KOLASCH & BIRCH, LLP

PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING

P.O. Box 747 • Falls Church, Virginia 22040-0747  
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B4856AB

### COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below-named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verify belief that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: TRANSCRIPTIONAL REGULATOR OF GENES INVOLVED IN THE CONTROL OF CELL GROWTH OR CELL PROLIFERATION,  
USE OF SAID REGULATOR AS A THERAPEUTIC OR DIAGNOSTIC AGENT

Fill in Appropriate Information - For Use Without Specification Attached: the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

The specification was filed on December 5, 2003 as  
United States Application Number 10/727,569 (if applicable) and/or  
and amended on December 5, 2003 as PCT  
the specification was filed on \_\_\_\_\_; and was  
International Application Number \_\_\_\_\_ (if applicable)  
amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Prior Foreign Application(s)

#### Priority Claimed

|   |                               |                            |   |   |                             |
|---|-------------------------------|----------------------------|---|---|-----------------------------|
| Insert Priority Information: (if appropriate) | <u>01401476.5</u><br>(Number) | <u>Europe</u><br>(Country) | <u>June 7, 2001</u><br>(Month/Day/Year Filed) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
|   | <u>(Number)</u>               | <u>(Country)</u>           | <u>(Month/Day/Year Filed)</u>                 | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
|   | <u>(Number)</u>               | <u>(Country)</u>           | <u>(Month/Day/Year Filed)</u>                 | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §119(c) of any United States provisional application(s) listed below.

|   |                             |                      |
|---|-----------------------------|----------------------|
| Insert Provisional Application(s): (if any) | <u>(Application Number)</u> | <u>(Filing Date)</u> |
|   | <u>(Application Number)</u> | <u>(Filing Date)</u> |

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

|  |                  |                             |  |
|--|------------------|-----------------------------|--|
| Insert Requested Information: (if appropriate) | <u>Country</u>   | <u>Application Number</u>   | <u>Date of Filing (Month/Day/Year)</u> |
|  | <u>(Country)</u> | <u>(Application Number)</u> | <u>(Date of Filing Month/Day/Year)</u> |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

|  |   |                                      |   |
|--|---|--------------------------------------|---|
| Insert Prior U.S. Application(s): (if any) | <u>PCT/EP02/07064</u><br>(Application Number) | <u>June 6, 2002</u><br>(Filing Date) | <u>Published</u><br>(Status - patented, pending, abandoned) |
|  | <u>(Application Number)</u>                   | <u>(Filing Date)</u>                 | <u>(Status - patented, pending, abandoned)</u>              |

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional conversion or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

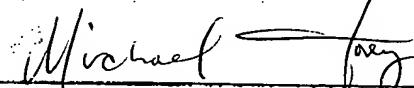
The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

The undersigned hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 16-02-04

Name of Inventor

  
(signature) Michael TOVEY

Date \_\_\_\_\_

Name of Inventor

(signature)

Page 2 of 2

February 2002